

Bankruptcy Reform Act CM/ECF Event Descriptions for Attorneys

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§102 Clerk's Presumption of Abuse	11 USC §707 Rule 1007, 5008	<p>Clerk's Presumption of Abuse under §707(b)(7) <i>"the clerk shall give written notice to all creditors not later than 10 days after the date of the filing of the petition that the presumption of abuse has arisen."</i></p> <p>All chapter 7, 11, and 13 individual debtors must file official Form 22A, 22B, or 22C respectively with the petition, if deficient, due within 15 days.</p> <p>The presumption of abuse checkbox is displayed prominently on the top of the first page of Form 22A for chapter 7 debtors. Disposable income determination checkbox is displayed prominently on the top of the first page of Form 22C for chapter 13 debtors.</p>	<p>Based on the chapter 7 debtors' selection to the Check Means drop down box in case opening, §341 meeting notice will display language from one of 3 variables regarding presumption of abuse: (1) The presumption of abuse does not arise, (2) The presumption of abuse arises, (3) insufficient information has been filed to date to permit the clerk to make any determination concerning the presumption of abuse.</p> <p>New Forms: Official Forms 22A, 22B, or 22C <i>Respectively required for all individual debtors (individual Chapter 7 consumer debtor, individual Chapter 11 debtor, and all Chapter 13 debtors)</i></p> <p>New Event: Chapter 7 Means Test (<i>BK -> Miscellaneous</i>)</p> <ul style="list-style-type: none"> Chapter 7 Statement of Current Monthly Income and Means Test Calculation - Form 22A. Docketed only if Form 22A is filed after the petition is filed. Otherwise it is included with the petition package. # Includes prompts for Means Test y/n. Satisfies the 15 day Means Test form (metest or metest7) deadline. Because this event is docketed after the petition is filed and is satisfying a deficiency set at case opening for Form 22A, (metest or metest7) generates a notice sent to all creditors only if presumption is Yes. <p>New Event: Chapter 11 Statement of Current Monthly Income (<i>BK -> Miscellaneous</i>)</p> <ul style="list-style-type: none"> Docketed only if Form 22B form is filed after the petition is filed. Otherwise it is included with the petition package. Satisfies the 15 day Means Test form (metest or metest11) deadline. <p>New Event: Chapter 13 Statement of Current Monthly Income and Disposable Income Calculation (<i>BK -> Miscellaneous</i>)</p> <ul style="list-style-type: none"> Docketed only if Form 22C form is filed after the petition is filed. Otherwise it is included with the petition package (Satisfies metest or metest13). 	Means Testing

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§102 Debtor's Rebuttal of Means Test	11 USC §707 Rule 1007, 5008	<i>§102(B)(1) The presumption of abuse may only be rebutted by demonstrating special circumstances, such as a serious medical condition or a call or order to active duty in the Armed Forces.</i>	New Event: Debtor's Rebuttal of Presumption of Abuse (BK -> Miscellaneous)	Means Testing
§102 Exemption from Means Test	11 USC §707 Rule 1007, 5008	<i>§102(D)(i)(ii) Prohibits the court from dismissing or converting a case based on any form of means testing, if the debtor is a disabled veteran and the indebtedness occurred primarily during a period during which he or she was: (1) on active duty or (2) performing a homeland defense activity.</i> New checkbox for this declaration on Means Test Form 22A	New Event: Exemption from Means Test (BK -> Motion/Applications)	Means Testing
§106 Credit Counseling	11 USC §109 & §521 Rule 1007	Certification of Credit Counseling required at filing for individual debtors for all chapters unless extension is requested. Debt Repayment Plan may accompany Certification. Add Certification of Credit Counseling to courts' deficiency notices/lists.	New Event: Certificate of Budget and Credit Counseling Course (BK > Miscellaneous) <ul style="list-style-type: none"> Recommended Clerk's guidance is to docket separately from the petition This document to be supplied by approved Consumer Credit Agency New Event: Certificate of Exigent Circumstances (BK > Miscellaneous) New Event: Debtor Repayment Plan (BK > Miscellaneous) New Event: Exemption from Credit Counseling (BK > Motion/Applications) <ul style="list-style-type: none"> Motion due to ... (prompt) 	Credit Counseling

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§106 Financial Management Credit Counseling	11 USC §109, §521, §727, §1328 Rule 1007	<p>Certification of Financial Management Course required before Discharge.</p> <p>#Rule 1007 allows for deadline for financial management course completion 45 days after the §341 meeting.</p> <p>If the debtor fails to submit the required certification regarding the financial management course, the court should close the case without the discharge being granted. If the debtor(s) subsequently file(s) a Motion to Reopen the Case to allow for the filing of the Financial Management Course Certificate, the debtor(s) must pay the full filing fee due for filing such a motion.</p>	<p>New Event: Financial Management Course (<i>BK > Miscellaneous</i>)</p> <p>New Official Form 23</p> <p>New Event: Exemption from Financial Management Course (<i>BK > Motions/Applications</i>)</p>	Financial Management Training
§221 & 227 Disclosure Statement of Bankruptcy Petition Preparers	11 USC §110 and §342(b)	<p><i>Mandate for non-attorney bankruptcy petition preparers and any debt relief agency to disclose (1) they do not practice law or give legal advice; (2) file with court with debtor's signature along with other required documents before any money is collected.</i></p> <p>The BPP Disclosure Notice to Debtor event is available to be docketed if not originally filed with the petition. This notice is also required with any other pleading a bankruptcy petition preparer may file on behalf of the debtor.</p>	<p>New Event: BPP Disclosure Notice to Debtor - Form 19B (<i>BK > Miscellaneous</i>)</p> <ul style="list-style-type: none"> May not be docketed separately unless late <p>New Event: Declaration by BPP (<i>BK > Miscellaneous</i>)</p> <ul style="list-style-type: none"> Form 19A should be attached <p>New Official Forms: B19A and B19B</p>	Required Schedules and Forms

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§315 New Filing Requirements for Chapters 7 and 13	11 USC §342 Rule 1007	<p><i>Statement of attorney or a bankruptcy petition preparer indicating that such attorney or the bankruptcy petition preparer delivered to the debtor the notice required by section 342(b);</i></p> <p><i>Copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition, by the debtor from any employer of the debtor.</i></p> <p>Add to Deficiency Lists.</p>	<p>New Event: Payment Advices (<i>BK > Miscellaneous</i>)</p> <ul style="list-style-type: none"> Pay stubs, etc. - Use cover sheet from CANB Website 	Required Schedules and Forms
§302,303,320 Automatic Stay Guidelines	11 USC §362(c); §362(d); 362(e)	<p>Possible termination of stay 30 days after chapter 7, 11 or 13 petition if previous case dismissed in prior year.</p> <p>Allowance of 2 year extension of stay in regard to fraud.</p> <p>Automatic lifting of stay 60 days after party in interest's motion for relief of stay in chapters 7, 11 or 13 unless modified by court order.</p>	<p>New Event: Termination or Absence of Stay (<i>BK > Motions/Applications</i>)</p> <p>New Event: Impose Automatic Stay (<i>BK > Motions/Applications</i>)</p> <p>New Event: Debtor's Statement of Good Faith Filing (<i>BK > Miscellaneous</i>)</p>	Automatic Stay

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§311 Rent and Automatic Stay	11 USC §362(b)	<p><i>Denies an automatic stay of eviction proceedings by a lessor against a debtor if: (1) the lessor obtained judgment for possession prior to the bankruptcy filing date; or (2) lessor furnishes certification of specified debtor offenses.</i></p> <p>Burden is on the debtor to declare prepetition residential judgment against him/her for rent or eviction. There is a new section on the voluntary petition for this purpose.</p> <p>If debtor declares prepetition judgment for residential property, debtor must file with the petition:</p> <ul style="list-style-type: none"> a) Certification of Intent to Cure Entire Monetary Default for Residential Property, and b) 30 Day Rent Deposit <p>If debtor declares judgment for residential property but does not file a Certification to Cure Entire Monetary Default for Residential Property, Clerk shall file a certified copy of the docket report showing the landlord that no attempt to cure has been filed within 30 days of filing. Funds must be released from the court registry promptly to landlord or debtor.</p>	<p>New Event: Intent to Cure Default <i>(BK > Miscellaneous)</i></p> <ul style="list-style-type: none"> • Certification by Debtor of Intent to Cure Entire Monetary Default for Residential Property and Deposit of 30 Day Post Petition Rent into Court Registry. • Prompts for the dollar amount of rent deposit. Deadline displayed is “Deadline to Cure Default”. Debtor must cure within 30 days or Clerk must serve certified copy of the docket report. • Certified check of money order in the name of the lessor must be sent to the appropriate court office. • Possible future pay.gov functionality. <p>New Event: Cure Entire Residential Judgment <i>(BK > Miscellaneous)</i></p> <p>New Event: Protection of Property from Damage <i>(BK > Miscellaneous)</i></p> <p>New Event: Release Funds from Court Registry <i>(BK > Motions/Applications)</i></p>	Automatic Stay & Lease Payments

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§316 Dismissal for Failure to Timely File...	11 USC §521(I) Rule 1007	<i>Individual debtors must file all information under subsection (a)(1) within 45 days after the petition or dismissed on the 46th day.</i>	<p>New Deadline: 521 - Incomplete Filings</p> <ul style="list-style-type: none"> Create a new automatically calculated 45 day deadline on voluntary petition event <p>Current Event: Dismiss Case <i>(BK > Motions/Applications)</i></p> <ul style="list-style-type: none"> add “for Failure to File Required Documents under §521(i)” to the docket text <p>Current Event: Extend Time <i>(BK > Motions/Applications)</i></p> <ul style="list-style-type: none"> add “to File Schedules or Provide Required Information” to the docket text 	Automatic Dismissal
§213 Certification of Support Payments (§1129(a)(14), 1225(a), and 1325(a))	11 USC §§1129(a); 1208(c); 1222(a)(b); 1225(a); 1228(a); 1307(c); 1322(a)(b); 1325(a); 1328(a)	Chapters 11, 12, or 13 Plan requirement for debtor certification of payment of domestic support obligations.	New Event: Domestic Support Obligations <i>(BK > Miscellaneous)</i>	Other Events
§102 Privacy for Family Violence Prevention and Services Act (FVPS)	11 USC §707	<p>§102(2)(A)(i) <i>Expenses on maintaining safety of the debtor must be private</i></p> <p>Expenses Related to Family Violence Protection Services is part of Form 22A and 22C. Different courts may process this information in different ways. This private event may be docketed by the attorney.</p>	<p>New Event: Expenses re: FVPS <i>(BK > Miscellaneous)</i></p> <ul style="list-style-type: none"> Expenses Related to Family Violence Protection Services. Intent is to restrict access to this information if FVPS expenses are declared. This private event will not appear on the public docket report. Only court users will have electronic access to this information, not trustees or US Trustees. 	Other Events

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§322 Homestead Exemptions	11 USC §522 Rule 4003	New limitation on homestead exemptions	Current Event: Objection to Homestead Exemption (<i>BK > Miscellaneous</i>)	Other Events
§313 Lien Avoidance on Household Goods	11 USC §522(f)	Defines a debtor's household goods to include specific items. Requires UST to report household lien activities separately §522(f)(1)(B)(i).	New Event: Avoid Lien on Household Goods (<i>BK > Motions/Applications</i>) <ul style="list-style-type: none"> Household goods included under §522(f)(1)(B)(i). Existing motion to avoid lien should be used for all other situations. 	Other Events
§224 Protection of Retirement Savings	11 USC §522 & 523(a)	New guidelines for retiree benefits in bankruptcy.	New Event: Reinstatement of Retiree Benefits (<i>BK > Motions/Applications</i>) While this event will not be used that often, we have created a special event for it. Specific motions allow the precise language of the motion to appear on CM/ECF calendars.	Other Events

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§315 Filing of Tax Returns Privacy	11 USC §342 Rule 4002	<p><i>Expands chapter 7 and 13 individual debtors' duties for filing tax returns.</i></p> <p>Initial prepetition tax returns are filed with the chapter 7 or chapter 13 trustee. No recording or monitoring by the court.</p> <p><i>If the debtor doesn't comply with these requests, the court shall dismiss the case unless the debtor demonstrates that the failure to so comply is due to circumstances beyond the control of the debtor.</i></p> <p>Additionally, debtors must file tax returns filed with taxing authority throughout the life of the case.</p>	<p>New Event: Access to Tax Documents <i>(BK > Motions/Applications)</i></p> <p>New Event: Tax Documents <i>(BK > Miscellaneous)</i></p> <ul style="list-style-type: none"> Information can also be a summary of tax information. This event is for court user access only. Court will create local procedures when someone files a Motion for Access to Debtor's Tax Documents. 	Tax Returns

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§203 Discouraging Abuse of Reaffirmation Practices	11 USC §524 Rule 4004, 4008	<p>Modifies debt reaffirmation guidelines governing unsecured consumer debts for dischargeable debt agreements, except if the creditor is a credit union. Rule 4008 requires debtors to file a specific form of agreement that is intended to demonstrate whether the debtor has sufficient post-bankruptcy disposable income to make the payments called for by the reaffirmation agreement.</p> <p>Requires court approval of Reaffirmation Agreement when debtor's ability to make payments is in question. All pro se reaffirmations will still require a hearing.</p> <p>§ 524(c)(1)(J)</p> <p>Rule 4004 prevents the discharge from being entered until the court approves or disapproves the reaffirmation agreement under undue hardship.</p>	<p>New Event: Reaffirmation Disclosure Statement (<i>BK > Miscellaneous</i>)</p> <p>New Event: Reaffirmation (<i>BK > Motions/Applications</i>)</p> <ul style="list-style-type: none"> Motion for Approval of Reaffirmation Agreement. <p>New Event: Presumption of Undue Hardship (<i>BK > Miscellaneous</i>)</p> <ul style="list-style-type: none"> re: Reaffirmation Agreement Links to reaffirmation agreement with this creditor and sets ReafHdShp flag. <p>New Event: Rebuttal of Presumption of Undue Hardship (<i>BK > Miscellaneous</i>)</p> <p>New Event: Statement in Support of Reaffirmation Agreement (<i>BK > Miscellaneous</i>)</p> <ul style="list-style-type: none"> Required if Presumption of Undue Hardship exists. <p>New Event: Recision of Reaffirmation Agreement (<i>BK > Miscellaneous</i>)</p> <ul style="list-style-type: none"> Links to previously filed reaffirmation agreement with this creditor. Notice generated and mailed to creditor and parties of interest. Request hearing date and time. 	Reaffirmation Agreements

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§315 Creditors' Preferred Mailing Address	11 USC §342	<i>Creditors can signify one national mailing address for all cases. Will be coordinated with the BNC.</i> New National Creditor Registration	New Event: Notice of Override Preferred Address 342(e) (<i>BK > Miscellaneous</i>) <ul style="list-style-type: none"> Creditor's exception address for this case only. Certificate of Service from BNC for activity with this creditor will indicate +++ (3 plus signs) next to creditor's redirected address. 	Creditors preferred mailing address
§330 Delay of Discharge	11 USC §727(a); §1141(d); §1228; §1328	<i>The court may withhold a debtor's discharge upon its reasonable belief that a proceeding is pending in which debtor may be found guilty of a felony or become liable for specific debts.</i>	New Event: Delay Discharge (<i>BK > Motions/Applications</i>) <ul style="list-style-type: none"> This motion can stop automatic discharge. Prompt within the event for Reason for Delay. 	Delay of Discharge
§234 Restriction of Disclosure of Sensitive Information in Case File	11 USC §107	<i>Restricts public access to certain information contained in bankruptcy case files by authorizing the bankruptcy court to bar disclosure of information that it finds would create undue risk of identity theft or other unlawful injury to the debtor or his/her property.</i>	New Event: Restrict Public Access (<i>BK > Motions/Applications</i>) <ul style="list-style-type: none"> If granted, image of data to be filed (or already on the docket report) would only be viewable to court users, but text entry would appear on the docket sheet, with a document number. All other users will receive a message, "For Court Use Only." 	Consumer Privacy
§ 332 Fraudulent Involuntary Filings	11 USC §303	<i>Protection of named debtor of fraudulent involuntary bankruptcy case and court order to remove references of such to credit reporting agencies.</i> Can also be used for protection of identity of minor children.	New Event: Motion to Seal (<i>BK > Motions/Applications</i>) New Event: Motion to Expunge (<i>BK > Motions/Applications</i>)	Consumer Privacy - Fraudulent Filings

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§402 Meeting of Creditors	11 USC §341(e) Rule 2003	Meeting of Creditors can be canceled due to Chapter 11 Debtor filing an Agreed Plan.	New Event: Cancel Meeting of Creditors <i>(BK > Motions/Applications)</i>	Chapter 11 Filings
§417 Utility Assurance Payment	11 USC §366(c)	Authorizes a utility company to alter, refuse, or discontinue utility service, if during the 30-day period beginning on the date of the filing of the petition, the utility does not receive from the debtor or the trustee adequate assurance of payment for utility service that is satisfactory to the utility.	New Event: Increase Assurance Payment <i>(BK > Motions/Applications)</i>	Chapter 11 Filings
§1116 New Chapter 11 Small Business Requirements	New Provision Rule 1020, 2002, 3016, 3017.1, 9006	New requirements due at filing if small business is designated.	New Events: Debtor's Election of Small Business Designation <i>(BK > Miscellaneous)</i> Chapter 11 Small Business Plan <i>(BK > Miscellaneous)</i> Disclosure Statement for Small Business <i>(BK > Miscellaneous)</i> Cash-Flow Statement <i>(BK > Miscellaneous)</i> Balance Sheet <i>(BK > Miscellaneous)</i> Statement of Operations <i>(BK > Miscellaneous)</i> New Deadlines and # 15 Day Deficiencies: SB Balance Sheet SB Statement of Operations SB Cash Flow Statement	Chapter 11 - Small Business

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§418 Waiver of Filing Fees <i>in forma pauperis</i>	USC 28 §1930 Rule 1006	<i>The district court or the bankruptcy court may waive all filing fees in a case under chapter 7 for an individual if the court determines that such individual has income less than 150 percent of the income official poverty line.</i>	New Event: In forma pauperis (<i>BK > Motions/Applications</i>). <ul style="list-style-type: none"> Sets Filing Fee status to W at case opening if application to proceed IFP accompanies the petition. Section in new petition for this information also. Official Form 23 has been created for this purpose. 	In Forma Pauperis

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§801 Chapter 15	11 USC §304 New Provision Rule 1007 Rule 2015	<p>Chapter 15 is replacing §304 filings for Foreign Insolvencies. The petition filed by a foreign representative who files a Petition for Recognition of Foreign Proceeding in order to avail themselves of US Bankruptcy Protection. Once the foreign proceeding status is recognized in US Bankruptcy Court, an appropriate U.S. Bankruptcy case could be opened if appropriate.</p> <p>The form will be the Official Form 1 Petition. There are two check boxes. One each for Foreign Main Proceeding and for a Foreign Nonmain Proceeding under §1519 of the Code. Rule 1007 has been revised to require with the petition “<i>a list of entities with whom the debtor is engaged in litigation in the US...any entities against whom provisional relief is being sought as well as all administrators in foreign proceedings of the debtor.</i>”</p> <p>“<i>...the foreign representative shall file with the court that granted recognition a notice stating the representative’s intention to commence a case...</i>”</p>	<p>New Event: The lead event will be Petition for Recognition of Foreign Proceeding – (BK> Open BK)</p> <ul style="list-style-type: none"> The form will be the Official Form 1 Petition. Petition provides two check boxes for Foreign Main Proceeding and Foreign Nonmain Proceeding. <p>New Role Type: Foreign Representative Fee: \$1039</p> <p>New Event: Chapter 15 Service List (BK > Miscellaneous)</p> <p>New Event: Notice of Commencement of Chapter 15 Case (BK > Notice)</p> <ul style="list-style-type: none"> For recognition of foreign proceeding <p>New Event: Notice of Foreign Representative’s Intent to Commence a Case (BK > Notice)</p> <p>New Event: Notice of Clerks’s Intention to Communicate (BK > Notice)</p> <ul style="list-style-type: none"> With foreign courts and foreign representatives 	Chapter 15

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§232 Appointment of Consumer Privacy Ombudsman	11 USC §332 Rule 2007.2	<i>A Consumer Privacy Ombudsman to be appointed and present at hearing for protections to safeguard the privacy interests of the debtor's clients when certain personal data are to be sold.</i>	<p>New Event: Appointment of Consumer Privacy Ombudsman (<i>BK > Motions/Applications</i>)</p> <p>New Event: Ombudsman Report (<i>BK > Miscellaneous</i>)</p> <ul style="list-style-type: none"> for the period of ____. <p>New Role Type: Consumer Privacy Ombudsman</p> <p>New Professional Type: Consumer Privacy Ombudsman</p> <ul style="list-style-type: none"> Fee applications and orders can be tracked on Professional Fees Report for §2013 reporting. 	Health Care Cases
§1104 Appointment of Health Care Ombudsman	11 USC §333 Rule 2007.2	Appointment of ombudsman to a health care business case. Version 2.7 introduces a new Type of Debtor of Health Care business for chapters 7, 9 and 11. Selection is made during the case opening process.	<p>New Event: Ombudsman report (<i>BK > Miscellaneous</i>)</p> <ul style="list-style-type: none"> for the period of ____. <p>New Role Type: Health Care Ombudsman</p> <p>New Professional Type: Health Care Ombudsman</p> <ul style="list-style-type: none"> Fee applications and orders can be tracked on Professional Fees Report for §2013 reporting. 	Health Care Cases

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§1233 Direct Appeal	28 USC §158 Rule 8001, 8003	<i>Any district or bankruptcy court, BAP, or party in a judgment, order or decree may file a direct appeal to the Circuit.</i>	<p>New Event: Certification of Direct Appeal to Court of Appeals (<i>BK > Appeals</i>)</p> <p>New Form: Official Form 24</p> <p>New Event: Petition Requesting Direct Appeal (<i>BK > Appeals</i>)</p>	Direct Appeal